

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON CHRISTEN, a/k/a MALACHI
MACGREGOR-REIGN,

Plaintiff,

V.

WASHINGTON DEPARTMENT OF
CORRECTIONS, PAT GLEBE, DEVON
SCHRUM, DENNIS DAHNE, SHERI
OBENLAND, and JOHN AND JANE 1-10
DOES.

Defendants.

No. C10-5250 BHS/KLS

ORDER REGARDING PLAINTIFF'S
LETTER TO THE COURT

On May 7, 2011, Plaintiff wrote a letter to the Court asking that the Court intervene in a discovery dispute. ECF No. 34. Plaintiff did not provide a copy of his letter to counsel for Defendants.

Ex parte requests will not be granted. Plaintiff must make his requests in the form of written motions, in which he should state with particularity the grounds for seeking the order and the relief sought. *See Fed. R. Civ. P. 7(b).* Plaintiff must serve the motion and a proposed order on counsel for the Defendants, and shall file the motion and proposed order with the clerk. The motion shall include in the caption (immediately below the title of the motion) the date the motion is to be noted for consideration upon the court's motion calendar. Local Rules W.D. Wash. CR 7 and 7(d).

While a party may apply to the court for an order compelling discovery "upon reasonable

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1 notice to other parties and all persons affected thereby," the motion must also include a
2 certification that the movant has in good faith conferred or attempted to confer with the person or
3 party failing to make the discovery in an effort to secure the information or material without
4 court intervention." Fed. R. Civ. P. 37(a)(2)(B). In addition, "[a] good faith effort to confer with
5 a party or person not making a disclosure or discovery requires a face-to-face meeting or a
6 telephonic conference." Local Rule CR 37(a)(2)(A).

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8 Plaintiff was previously advised of these requirements in the Court's Order denying his
9 previous motion to compel. ECF No. 31.

10 The Court anticipates that the parties will continue to confer and make good faith efforts
11 to resolve any discovery dispute without Court interference. The Court previously directed the
12 parties to participate in a telephonic conference. ECF No. 31. If after conferring in good faith,
13 the parties cannot amicably resolve their disputes, Plaintiff may file a motion to compel, and
14 shall include a certification stating that their efforts were unsuccessful, and shall identify those
15 areas of disagreement that remain unresolved. The court will not address any motion which
16 lacks such a certification and will not entertain ex parte requests.

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18 The Clerk is directed to send a copy of this Order to Plaintiff and to counsel for
19 Defendants.

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21 **DATED** this 23rd day of May, 2011.

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Karen L. Strombom
United States Magistrate Judge